



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

DEAN D. EFSTATHIOU, Acting Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

August 5, 2008

IN REPLY PLEASE  
REFER TO FILE

MP-5

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION  
STORM DRAIN EASEMENT NORTH OF TOLL DRIVE  
UNINCORPORATED COMMUNITY OF SOUTH SAN GABRIEL  
(SUPERVISORIAL DISTRICT 1)  
(3 VOTES)**

**SUBJECT**

This action is to vacate an existing storm drain easement that is no longer needed for public use north of Toll Drive in the unincorporated community of South San Gabriel.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Find that this action is categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that:
  - a. The storm drain easement north of Toll Drive is no longer required for public use and that it may, therefore, be vacated under the authority of Section 5400 of the California Health and Safety Code.
  - b. The storm drain easement north of Toll Drive has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and that it may, therefore, be vacated pursuant to Section 8333(a) of the California Streets and Highways Code.

- c. The storm drain easement north of Toll Drive is no longer needed for present or prospective public use.
3. Adopt the Resolution of Summary Vacation.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to vacate the storm drain easement north of Toll Drive (Easement), since it no longer serves the purpose for which it was dedicated and is not required for public use.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs that we provide Fiscal Responsibility (Goal 4). The vacation of the easement will eliminate unnecessary maintenance cost and reduce the County of Los Angeles' (County) possible future exposure to liability.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The applicant has paid a \$1,000 fee to defray the expense of the investigation. The fee was authorized by your Board in a resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule), and as prescribed in Section 8321 (d) of the California Streets and Highways Code.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The area to be vacated contains approximately 4,027 square feet and is shown on the map attached to the resolution.

The Streets and Highways Code Section 8333 provides "The legislative body of a local agency may summarily vacate a public service easement in any of the following cases: (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation." Streets and Highways Code Section 8306 defines "public service easements" to include storm drain easements. Section 5400 of the Health and Safety Code provides that a County Board of Supervisors may vacate an easement for sewage or drainage purposes whenever it determines the easement is no longer required for public use.

The County's interest in the easement was acquired in 1937 by dedication in Tract No. 11091, recorded in Book 203, page 31, of Maps, in the office of the Registrar-Recorder/County Clerk of the County as an easement for storm drain purposes.

Mr. Xiang-fei Lin, along with other adjoining property owners, requested the vacation to build homes on various lots encumbered by the easement. The construction of Storm Drain Bond Issue Project No. 1225 rendered the proposed vacation easement as unnecessary. The vacation of the easement will provide an additional buildable area.

Adoption of the attached resolution will terminate the County's rights and interest in the easement. Your action will result in the properties being unencumbered of the easement, and available to the property owners for use without restriction of the easement.

#### **ENVIRONMENTAL DOCUMENTATION**

This action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Sections 15305 and 15321 of the State CEQA Guidelines which state that this class of projects consisting of minor alterations in land use limitations and actions to revoke entitlement for use, issued and adopted by the regulatory agency, have been determined not to have a significant effect on the environment.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This action will allow for additional property taxes through elimination of the easement.

The Honorable Board of Supervisors  
August 5, 2008  
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**CONCLUSION**

Please return one adopted copy of this letter and one original and one copy of the resolution to the Department of Public Works, Mapping & Property Management Division, together with a copy of your Board's minute order. Retain one original for your files.

Respectfully submitted,



DEAN D. EFSTATHIOU

Acting Director of Public Works

DDE:PAP:hp

Attachment

c: Chief Executive Office  
County Counsel

**RESOLUTION OF SUMMARY VACATION  
STORM DRAIN EASEMENT NORTH OF TOLL DRIVE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES  
HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

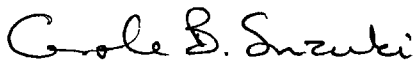
1. The County of Los Angeles is the holder of an easement for storm drain purposes (hereinafter referred to as the Easement) in, over, and across the real properties legally described in Exhibit A and depicted on Exhibit B, both attached hereto. The Easement, north of Toll Drive, is located in the vicinity of South San Gabriel in the County of Los Angeles, State of California.
2. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
3. The Easement is no longer needed for present or prospective public use.
4. The Easement is hereby vacated pursuant to Section 5400 of the Health and Safety Code, State of California, and Chapter 4, Part 3, Division 9 of the Streets and Highways Code, State of California, commencing with Section 8330.
5. Public Works is authorized to record the certified original resolution in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, at which time the Easement shall no longer constitute a public easement.
6. From and after the date this resolution is recorded, the Easement no longer constitutes a public service easement.

The foregoing Resolution was on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.,  
County Counsel

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By   
Deputy

By \_\_\_\_\_  
Deputy

**EXHIBIT A**

**STORM DRAIN EASEMENT  
NORTH OF TOLL DRIVE**

A.I.N. 277-009-019, 020, 022,  
023, 024 & 031

T.G. 636-D4

I.M. 129-237

R.D. 119

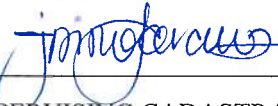
S.D. 1

M0788105

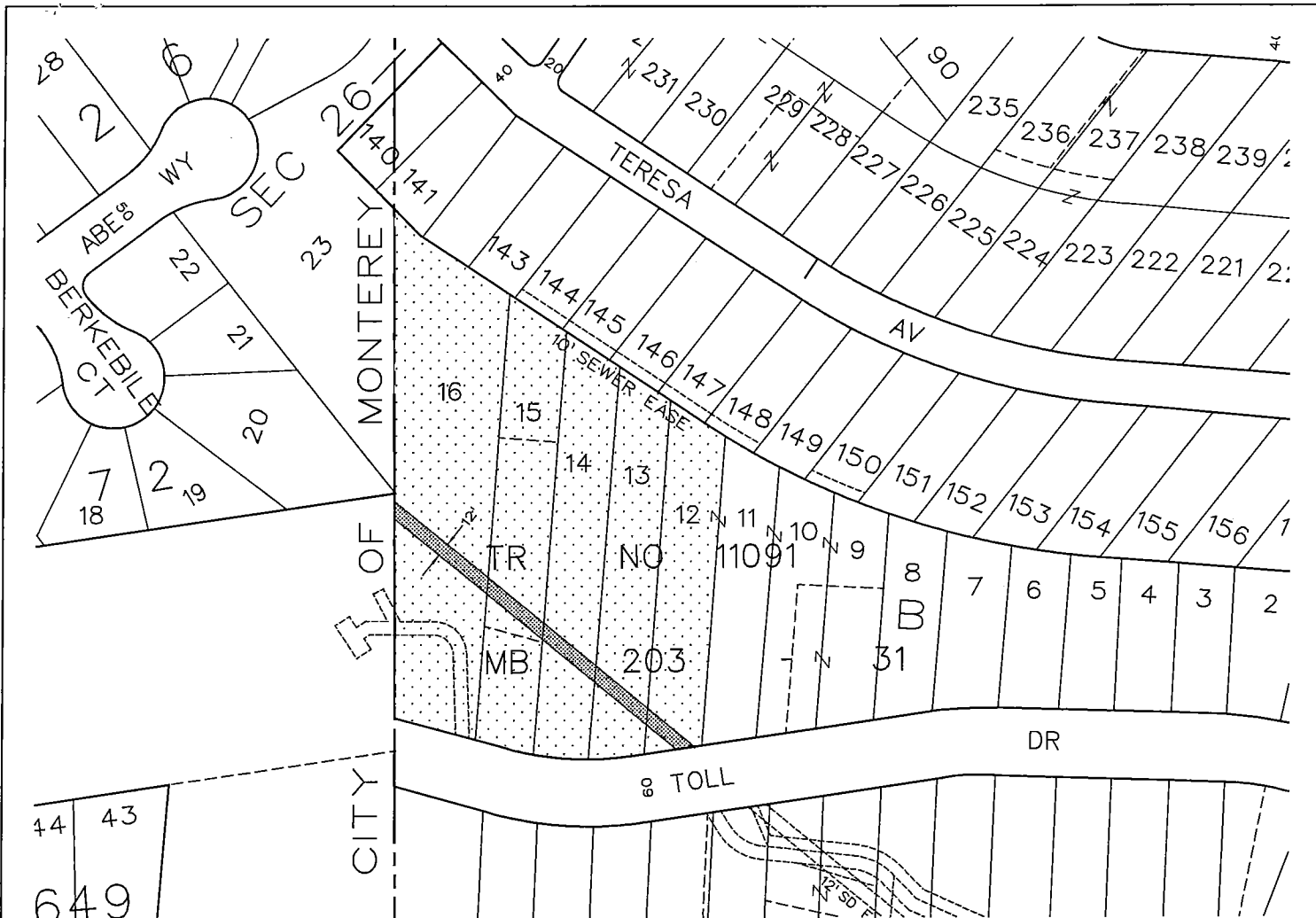
**LEGAL DESCRIPTION**  
**(Vacation of Easement)**

That portion of that certain 12-foot strip of land designated as "Drainage Easement" on map of Tract No. 11091, recorded in Book 203, page 31, of Maps, in the office of the Registrar-Recorder/County Clerk of said county, lying within Lots 12 to 16, inclusive, Block B, of said tract.

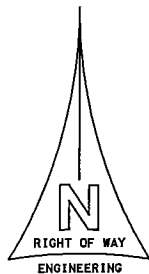
Total Area: 4,027± square feet

APPROVED AS TO DESCRIPTION
<u>May 22</u> , <u>2008</u>
COUNTY OF LOS ANGELES
By <u></u>
SUPERVISING CADASTRAL ENGINEER III
Mapping and Property Management Division

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.


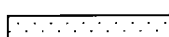


SUBJECT  
LOCATION



## EXHIBIT B

### LEGEND

-  Area to be vacated (Storm Drain Easement)  
Total Area 4,027  $\pm$  s.f.
-  Applicants

REVISIONS

1.

2.

3.

DEPARTMENT OF PUBLIC WORKS

MAPPING & PROPERTY MANAGEMENT DIVISION

SD.

RD.

A.M.B.

T.G.

1

119

5277-009

636-D4

STORM DRAIN

DRAWING NO.

EASEMENT

M0788105

SCALE

DATE

I.M.

NONE

10-10-06

129-237

N/O TOLL DR